

ALFONZO SALINAS	§	
v.	§	CIVIL ACTION NO. 6:11cv274
MS. FRANCIS, ET AL.	§	

The Plaintiff Alfonzo Salinas, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On June 1, 2011, the Magistrate Judge ordered Salinas to pay the filing fee of \$350.00 or file a certified *in forma pauperis* data sheet, as required by 28 U.S.C. §1915(b). A copy of this order was sent to Salinas but was returned as undeliverable, since the name and number did not match. The Magistrate Judge determined that Salinas' lawsuit had been mailed to the Court under the name and inmate number of a prisoner named Michael Timmons, in violation of TDCJ regulations prohibiting the mailing of correspondence under another inmate's name.

The complaint form received by the Court does not contain Salinas' TDCJ number, and the entire form, including the signature, appears to be in Timmons' handwriting. As the Magistrate Judge observed, Timmons' handwriting is quite familiar; he has filed over 20 lawsuits in the Eastern District of Texas.

The Magistrate Judge determined that Salinas had failed to prosecute his case by failing to comply with the instructions on the lawsuit form, failing to notify the Court of his current

address, failing to provide a TDCJ identification number, and failing to pay the full filing fee or submit an application for leave to proceed *in forma pauperis*. On June 24, 2011, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. A copy of this Report was sent to Salinas at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 7) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 9th day of August, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**